

CITY COUNCIL AGENDA MEMORANDUM

SUBJECT

The application of **Nat Franklin of Franklin West, LLC (Kelsey Creek Center)** seeks a rezone to expand the list of allowed Service uses approved at the site and to modify the procedure for allowing certain Recreation uses. The amendment would permit uses of less than 10,000 square feet for personal services, finance, insurance and real estate. No changes to development standards applicable to the Community Business District, Community Retail Design District, or Transition Area Design District are a component of the rezone. No new physical development is sought. The Kelsey Creek Center site is 15.23 acres located at the southeast corner of 148th Avenue SE and Main Street, which is located within the jurisdictional area of the East Bellevue Community Council.

FISCAL IMPACT

None.

STAFF CONTACT

Wick Dufford, Hearing Examiner – 452-6934

POLICY CONSIDERATION

Whether the application complies with the Bellevue City Code and applicable decision criteria.

BACKGROUND

For background information, please review the attached Hearing Examiner's Summary.

EFFECTIVE DATE

This matter will come to Council for discussion on September 9, 2013 and is scheduled for Council action on September 16, 2013. If adopted, the Ordinance concerning this application will become effective five days after its publication.

OPTIONS

1. Approve the application as recommended by the Examiner.
2. Approve the application with additions or modifications.
3. Deny the application.
4. Remand the matter.

HEARING EXAMINER'S RECOMMENDATION

When presented on September 16, 2013 adopt the Hearing Examiner's Findings and Recommendation, and approve the Ordinance.

ATTACHMENTS

Hearing Examiner's Summary
Vicinity and Site Maps
Draft Ordinance

AVAILABLE IN COUNCIL OFFICE

The Department (DSD) supporting file (Exhibit 1)

SUMMARY

The City Council is considering the Hearing Examiner's Recommendation on the application of **Nat Franklin of Franklin West, LLC (Kelsey Creek Center)** for a rezone to amend the concomitant zoning agreement (CZA) governing the allowed uses. The amendment would permit uses of less than 10,000 square feet for personal services, finance, insurance and real estate. Kelsey Creek Center is 15.23 acres of commercially zoned property at the southeast corner of 148th Avenue SE and Main Street. The site is zoned Community Business (CB) and is located within the jurisdictional area of the East Bellevue Community Council.

The CZA has been altered and updated from time to time, but still restricts the site from certain uses that are normally permitted in Bellevue's CB District. The subject application seeks to expand the list of allowed Service uses approved at the site and to modify the procedure for allowing certain Recreation uses. No changes to development standards applicable to the CB district, Community Retail Design District, or Transition Area Design District are a component of the rezone. No new physical development is sought.

1. BACKGROUND

The property is designated Community Business (CB) under the Bellevue Comprehensive Plan. However, the original zoning of the property occurred years ago before the property was annexed by the City from King County. The initial zoning was accompanied by a Concomitant Zoning Agreement (King County CZA #20100518000442) which limited the permissible uses at the site in order to control impacts to the adjacent neighborhoods.

In 2010, the latest CZA amendments were approved by the Bellevue City Council and the East Bellevue Community Council to facilitate redevelopment of the shopping center, but some use restrictions were retained in order to continue protection of the surrounding neighborhoods. Since then the redevelopment has successfully proceeded and the owners have identified a need for expansion of the allowed uses.

2. APPLICATION BEFORE THE EXAMINER

The public hearing before the Examiner was held as noticed on July 11, 2013 at 7:00 p.m. in the Bellevue City Hall Council Chamber. Elizabeth Stead, Urban Design Plan Manager, presented for the City. The applicant was represented by Ian Morrison, Attorney at Law. Testimony was provided by Bryan Franklin, representing the Center's ownership, and Michael Chen, environmental planner. There was no public testimony.

On July 23, 2013, the Hearing Examiner issued Findings of Fact, Conclusions of Law and a Recommendation that the rezone be approved and the Applicant shall record the amended CZA with the King County Department of Records and Elections and with the Bellevue City Clerk. The deadline for filing an appeal of the Examiner's Recommendation was August 6, 2013. No appeals were filed.

3. SITE CHARACTERISTICS

The existing commercial center is generally flat and the majority of its 16 acres is occupied by a paved parking area. Adjacent to the south is a portion of the Lake Hills Greenbelt which contains Larson Lake and an upstream segment of Kelsey Creek. The creek flows north into the culvert that extends across the subject site and discharges into an open stream channel on the other side of Main Street.

4. COMMENTS

As noted above no public testimony was received.

5. HEARING EXAMINER RECOMMENDATION

The Hearing Examiner concurs with the Development Services Department and recommends that the proposed rezone application be **APPROVED** subject to condition.

2D 3D

Occupied building

Larson Lake

Main Street

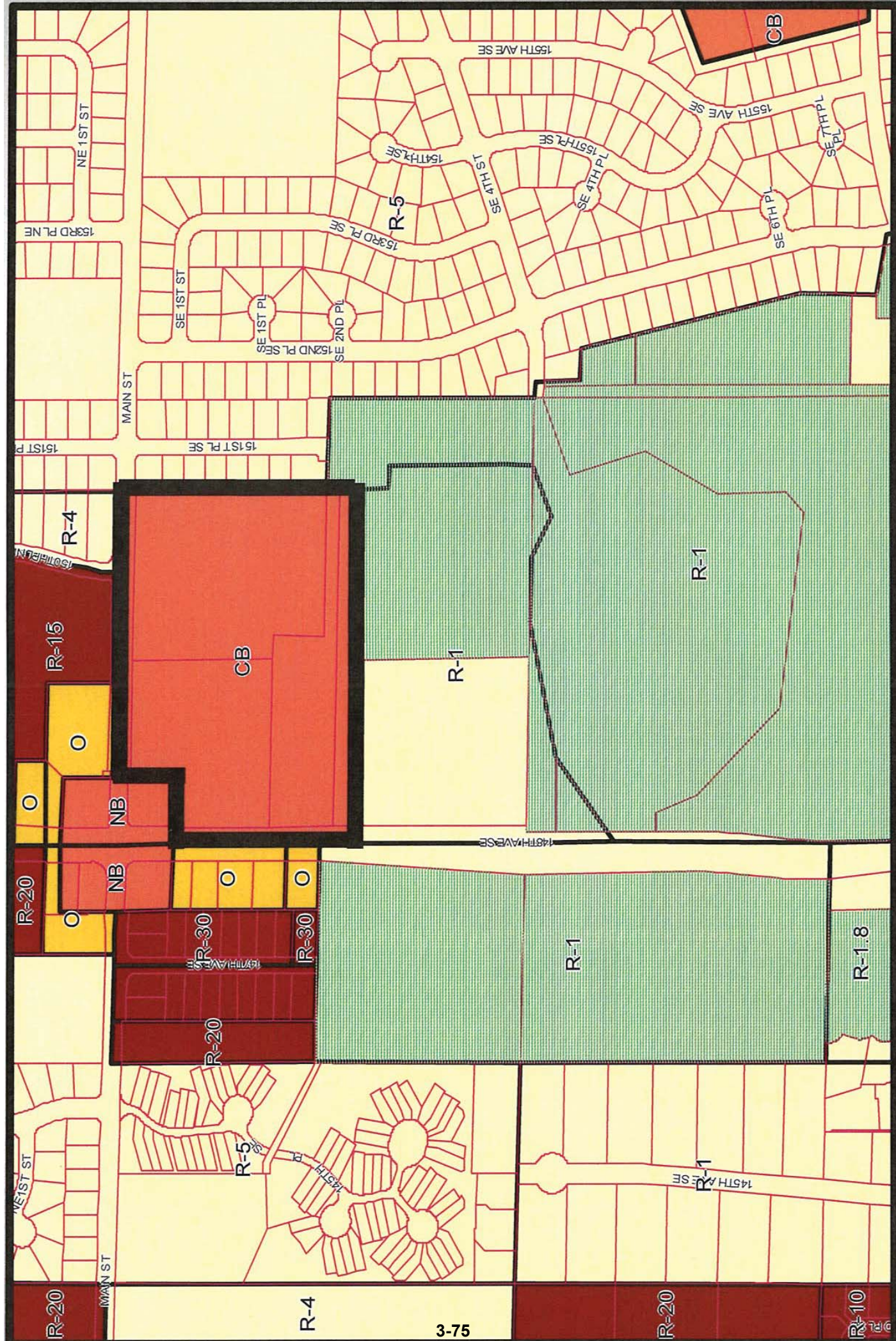
Kelsey Creek underground

Occupied building

50 yds

140th Avenue SE

Microsoft
Virtual Earth



CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. _____

AN ORDINANCE approving the rezone application of Nat Franklin West, LLC (Kelsey Creek Center) to repeal the prior concomitant agreement, as amended, governing the allowed uses at Kelsey Creek Center and replace it with a new concomitant zoning agreement relating to approximately 16 acres located at the corner of 148th Avenue SE and Main Street, with conditions.

WHEREAS, Nat Franklin West, LLC (Kelsey Creek Center) filed an application to rezone approximately 16 acres located at the corner of 148th Avenue SE and Main Street to repeal a prior concomitant zoning agreement for Kelsey Creek Center and replace it with a new concomitant zoning agreement, which is attached hereto as Exhibit A; and

WHEREAS, on July 11, 2013, a public hearing was held before the Hearing Examiner for the City of Bellevue pursuant to notice required by law; and

WHEREAS, on July 23, 2013, the Hearing Examiner recommended approval of the rezone application with conditions, and made and entered findings of fact and conclusions based thereon in support of that recommendation, and no timely appeal has been filed; and

WHEREAS, the City Council concurs in the findings of fact and conclusions of the Hearing Examiner, including the conditions imposed, and has determined that the public use and interest will be served by approving the amendment to the rezone; and

WHEREAS, the City has complied with the requirements of the State Environmental Policy Act and the City Environmental Procedures Code; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The City Council adopts the findings of fact and conclusions made and entered by the Hearing Examiner in support of his recommendation to the City Council to approve the rezone with conditions and to repeal the 2010 Concomitant Zoning Agreement, as amended, and replace it with a new Concomitant Zoning Agreement to allow for development of the Kelsey Creek Center.

Section 2. The 2010 Concomitant Zoning Agreement, as amended, is hereby repealed.

Section 3. The rezone approval shall be conditioned upon execution of the Concomitant Zoning Agreement between Franklin West, LLC and the City, which agreement has been given Clerk's Receiving No. _____. The City Manager or his designee is hereby authorized to execute such Agreement.

Section 4. This rezone approval shall also be subject to the following conditions for Kelsey Creek Center:

There will be no changes to development standards applicable to the Community Business (CB) District, Community Retail Design District, or Transition Area Design District; the list of uses allowed on site is expanded to include the following within a 10,000 square foot limitation: Service Uses, Personal Services, Finance, Insurance and Real Estate; Recreation Uses are limited to 10,000 square feet for each Recreation Use.

Section 5. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

Passed by the City Council this _____ day of _____, 2013, and signed in authentication of its passage this _____ day of _____, 2013.

(SEAL)

Conrad Lee, Mayor

Approved as to form:

Lori M. Riordan, City Attorney

Darcie Durr, Assistant City Attorney

Attest:

Myrna L. Basich, City Clerk

Published _____